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FAX COVER SHEET

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DATE: May 30, 2007

FAX NUMBER: (212) 805-7948

DELIVER TO: The Chambers of Hon. Richard J. Holwell, United States District Judge
United States District Court
Southern District of New York
United States Courthouse

ATTN: William Whelan, Esq., Clerk

FROM: Andre Ward
Paralegal

RE: POROX INTERNATIONAL CO. INC. V HEYS (USA) INC.
Case No. 2007 CIV 03256 (RJH)

SUBJECT: Proposed scheduling order.

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 4

REMARKS: Please see the attached letter and proposed schedule.

c. Carl Person, Esq.
Tom Furth, Esq.

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SENDER AS SOON AS POSSIBLE.

Application Granted.
The Court adopts the
attached scheduling order.
A status conference will be
held on 11/30/07 at 10:00 a.m.
SO ORDERED RAY - wot 8/14/07

A. Description of the Case

- i. Attorneys of record and lead trial attorneys for the parties:
for Plaintiff - Steven C. Bennett, Esq.
for Defendant - Carl E. Person, Esq.
- ii. Basis for federal jurisdiction: alleged trademark infringement, 15 U.S.C.A. Sections 1051-1127, 28 U.S.C. Section 1338.
- iii. Brief description of the claims assets in the complaint: ~~xxxx~~ illegal use of trademark /
infringement
There are no counterclaims asserted.
- iv. The major legal and factual issues in the case: Whether there is personal jurisdiction over the defendant; whether the defendant infringed plaintiff's trademarks and the dollar amount of damages; and whether the source of the goods was an authorized manufacturer or distributor of the goods.
- v. ~~xxxx~~

B. Proposed Case Management Plan

- i. Identify all pending motions - NONE.
 - ii. Proposed cutoff date for joinder of additional parties - 9/1/07
 - ii. Proposed cutoff date for amendment to pleadings - 9/15/07
 - iii. Proposed schedule for completion of discovery, including:
 - a. Date for Rule 26(a)(1) disclosures - 8/15/07
 - b. Fact discovery completion date - 12/3/07
 - c. Date for Rule 26(a)(2) disclosures - 10/1/07
 - d. Expert discovery completion date, including dates for delivery of expert reports - 12/3/07
 - v. Proposed date for filing dispositive motions: 1/3/08
 - vi. Proposed date for filing a final pretrial order - 2/4/08 or within 14 days after the decision on any dispositive motion, which ever is later
 - vii. Proposed trial schedule:
 - a. A jury trial is requested by defendant.
 - b. Probable length of trial - 2 days.
 - c. Case will be ready for trial 2/4/08 or within 14 days after the decision on any dispositive motion.
- C. Consent to Proceed before a Magistrate Judge - No.
- D. Status of Settlement Discussions:
- i. Settlement discussions have occurred.

- ii. Settlement discussions are continuing.
- iii. Plaintiff requests a settlement conference at this time.